

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ANTHONY HAWKINS,

Plaintiff,

v.

STEVE SISOLAK, *et al.*,

Defendants.

Case No. 2:20-cv-01409-JAD-EJY

**ORDER**

**I. DISCUSSION**

On July 29, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”) filed an application to proceed *in forma pauperis* together with a civil rights complaint under 42 U.S.C. § 1983. (ECF Nos. 1, 1-1). Plaintiff’s application to proceed *in forma pauperis* is incomplete. Plaintiff has not completed both of the required signatures on page 3 of his application to proceed *in formal pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

Accordingly, the Court denies Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1) without prejudice because the application is incomplete. The Court grants Plaintiff a **one-time extension** to file a fully complete application to proceed *in forma pauperis* containing all three of

1 the required documents. Plaintiff must file a fully complete application to proceed *in forma pauperis*  
2 on or before **September 28, 2020**. Absent unusual circumstances, the Court will not grant any  
3 further extensions of time. If Plaintiff is unable to file a fully complete application to proceed *in*  
4 *forma pauperis* with all three required documents on or before **September 28, 2020**, the Court will  
5 dismiss this case without prejudice for Plaintiff to file a new case with the Court when Plaintiff is  
6 able to acquire all three of the documents needed to file a fully complete application to proceed *in*  
7 *forma pauperis*.

8 A dismissal without prejudice means Plaintiff does not give up the right to refile the case  
9 with the Court, under a new case number, when Plaintiff has all three documents needed to submit  
10 with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an  
11 application to proceed *in forma pauperis* and instead pay the full filing fee of \$400 on or before  
12 **September 28, 2020** to proceed with this case. The Court will retain Plaintiff's civil rights complaint  
13 (ECF No. 1-1), but the Court will not file the complaint unless and until Plaintiff timely files a fully  
14 complete application to proceed *in forma pauperis* with all three documents or pays the full \$400  
15 filing fee.

## 16 **II. CONCLUSION**

17 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff's application to proceed  
18 *in forma pauperis* (ECF No. 1) is denied without prejudice. Plaintiff may file a new and fully  
19 complete application to proceed *in forma pauperis* that includes with all three documents by  
20 September 28, 2020.

21 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff the approved  
22 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled  
23 information and instructions for filing an *in forma pauperis* application.

24 IT IS FURTHER ORDERED that on or before **September 28, 2020**, Plaintiff shall either  
25 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50  
26 administrative fee) or file with the Court:

1 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's  
2 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page  
3 3),

4 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official  
5 (i.e. page 4 of this Court's approved form), and

6 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**  
7 **six-month period.**

8 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to  
9 proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action  
10 on or before **September 28, 2020**, the Court will dismiss this action without prejudice for Plaintiff  
11 to refile the case with the Court, under a new case number, when Plaintiff has all three documents  
12 needed to file a complete application to proceed *in forma pauperis*.

13 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF  
14 No.1-1) but will not file it at this time.

15 Dated this 3rd day of August, 2020

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18 ELAYNA J. YOUCHAH  
19 UNITED STATES MAGISTRATE JUDGE  
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